

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

16-779-SMY

Submitted June 24, 2016

Decided July 12, 2016

CERTIFIED COPY



Before

DIANE P. WOOD, *Chief Judge*

RICHARD A. POSNER, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 16-2664

SAMUEL R. HOGSETT,
Applicant,

v.

On Motion for an Order Authorizing the
District Court to Entertain a Second or
Successive Motion for Collateral
Review.

UNITED STATES OF AMERICA,
Respondent.

ORDER

Samuel Hogsett has filed an application pursuant to 28 U.S.C. § 2244(b)(3), seeking authorization to file a successive motion to vacate under 28 U.S.C. § 2255. Hogsett proposes a claim under *Johnson v. United States*, 135 S. Ct. 2551 (2015), which held that the residual clause of the Armed Career Criminal Act is unconstitutionally vague. The Supreme Court has made *Johnson* retroactive. *Welch v. United States*, 136 S. Ct. 1257 (2016). The government does not resist the application.

Accordingly, we **GRANT** the application and **AUTHORIZE** the district court to consider the *Johnson* claim, along with any government defenses. The clerk of court will **TRANSFER** the pleadings to the district court for filing as a § 2255 motion.